

REQUEST TO ESTABLISH DOCKET

(PLEASE TYPE)

Date May 23, 1996

Docket No. 96 06 56-WS

1. Division Name/Staff Name Division of Legal Services (Capeless)

2. OPR Division of Legal Services (Capeless)

3. OCR Division of Water & Wastewater

4. Suggested Docket Title Request for Petition for Amicus Brief by Mad Matter Utility, Inc

in Pasco County. Petitions requesting that Florida Public Service Commission file amicus brief in Sixth Judicial Circuit Court, by Mad Matter Utility, Inc. and Lake Heron Partnership.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.
- B. Provide COMPLETE name and address for all others. (Match representatives to clients.)

1. Parties and their representatives (if any)

Mad Matter Utility, Inc.
.....
Walter Matthews (Atty for Pasco County)

Gerald A. Figurski (Atty for Lake Heron Partnership)
Figurski & Harrill

Assistant County Attorney
Pasco County Government Center
7530 Little Road
New Port Richey, FL 34654

2435 U.S. Highway 19 N., Suite 350
Holiday, FL 34691
.....
Robert Scheffel Wright (Atty for Lake Heron Partnership)
Landers & Parsons
310 W. College Avenue
Tallahassee, FL 32302

2. Interested Persons and their representatives (if any)

6. Check one:

Documentation is attached.

Documentation will be provided with the recommendation.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Mad Hatter Utility, Inc.
Request for Amicus Brief to
Sixth Judicial Circuit Court

PETITION FOR AMICUS BRIEF

COMES NOW Mad Hatter Utility, Inc., by and through the undersigned counsel, and Petitions the Florida Public Service Commission for an amicus brief filed to Judge Swanson of the Sixth Judicial Circuit, in and for Pasco County, providing the Judge with the Commission's positions in relation to the litigation filed by a developer and customer of Mad Hatter seeking declaratory relief on a claim for double billing by Mad Hatter and Pasco County (complaint, and subsequent pleadings and papers on file at PSC-OGC).

As explained in letters provided by the plaintiff and Mad Hatter to Rosanne Capeless of the PSC-OGC, the parties differ on whether a refund is appropriate, and if appropriate, whether Pasco or Mad Hatter should provide the refund. Mad Hatter contends that the Commission clearly addressed the issue of refunds, and rejected attaching such responsibility on Mad Hatter.

Mad Hatter hereby petitions the Commission to ask the legal staff to formulate an amicus brief to the court in order to provide a discussion of the PSC's position on the issues in this case. In addition, Mad Hatter believes that the PSC's experience would be helpful to the court concerning industry practices as the Court construes the agreement for bulk service between Pasco and Mad Hatter.



The Commission has the authority to provide such opinions and Amicus Brief pursuant to its general authority under 367.121 F.S., and the request by the court for input by the Commission found in the attached court order.

Respectfully submitted this 9th day of May, 1996.

GERALD T. BUHR, P.A.

By: 

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Petition for Amicus Brief was furnished by U.S. mail to the following individuals on this 9th day of May, 1996.

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